

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on March 9, 2001 at 9:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Jeff Mangan (D)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **SB 267 - 3-02-01**
SB 382 - 3-02-01
SJR 17 - 3-02-01

Executive Action: **HB 604 - DPAA**

HEARING ON SB 267

Sponsor: **Senator Pete Ekegren, SD 44, Choteau** said this is a Bill of fairness for young people. It will purge records from youthful citizens under the age 21 if they have been convicted of minor in possession, (of alcohol). The exception would be if they were driving an automobile. "All the records pertaining to a conviction, except a conviction involving the consumption of an intoxicating substance while the person was driving or was otherwise in actual physical control of a motor vehicle when the offense occurred, must be physically sealed when the convicted person reaches 21 years of age. When the records are sealed, the records are confidential criminal justice information, and public access to the information may be obtained only by district court order upon good cause shown."

Proponents: None

Opponents: None

Questions from Committee Members and Responses: **Reps. Rice, Hurdle, Peterson, Clancy, Noennig, Gallus, Shockley, Adams to Senator Ekegren.**

{Tape : 1; Side : A; Approx. Time Counter : 0 - 30.1}

{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 2}

Closing by Sponsor: **Senator Ekegren closed the Hearing on SB 267.**

{Tape : 1; Side : B; Approx. Time Counter : 2 - 3.3}

Treats served to Committee by children for Montana Children's Alliance.

Rep. Harris asked if it would be in order for the House Judicial Committee to pass a resolution thanking the guests for their wonderful hospitality. **Chairman Shockley** said it would be in order, thanked the children and everyone applauded.

HEARING ON SJR 17

Sponsor: **Senator Bob Keenan, SD 38, Bigfork** said he is covering some technicalities from having any roadblocks to using the Xanthopoulos Building for treatment for 4th time DUI offenders. His hope would be that eventually it could be used for a mental

health facility for inmates under the jurisdiction of the Department of Corrections. **EXHIBIT(juh54a01)**

Proponents: Sally Johnson, Professional Services Division Administrator for the Department of Corrections.

Opponents: None

Questions from Committee Members and Responses: Reps. Holden, Hurdle, Noennig, Newman, Shockley to Senator Keenan, Ms. Johnson, Norma Jean Boles, Health Services, Department of Corrections for clarification.

Closing by Sponsor: Senator Keenan closed the Hearing on SJR 17.

{Tape : 1; Side : B; Approx. Time Counter : 3.3 - 26.6}

HEARING ON SB 382

Sponsor: Senator Lorents Grosfield, SD 13, Big Timber said this Bill would provide that a hearing on an involuntary mental commitment petition may be held on the same day as an initial appearance upon good cause shown. Oftentimes what happens is someone in the situation of potentially being committed, a lawyer or representative, and a professional psychologist are in the room, and they all agree that the hearing on a petition may not be on the same day as the appearance. Because of that glitch in the law, they have to wait until the next day.

This is very serious because people's constitutional rights are being taken away, as well as involuntary commitment.

{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 4.7}

Proponents: Mike Menahan, Lewis and Clark County Attorney's office, Helena.

Opponents: Anita Roessmann, Attorney, Montana Advocacy Program.
EXHIBIT(juh54a02)

Al Smith, Self

Al Davis, Montana Mental Health Association

{Tape : 2; Side : A; Approx. Time Counter : 4.7 - 29.8}

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 8.7}

Jacob Wagner, Mental Health Oversight Advisory
Council.

Questions from Committee Members and Responses: Reps. Laszloffy, Thomas, Curtiss, Noennig, Gallus, Gutsche, Peterson, Holden, Shockley to Mr. Menahan, Mr. Smith, Senator Grosfield.

{Tape : 2; Side : B; Approx. Time Counter : 8.7 - 29.8}

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 25.2}

Closing by Sponsor: Senator Grosfield closed the Hearing on SB 382.

{Tape : 3; Side : A; Approx. Time Counter : 25.2 - 29.9}

{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 1.9}

EXECUTIVE ACTION ON HB 604

Motion: REP. HURDLE moved that HB 604 DO PASS. #1

Motion: REP. HURDLE moved that HB 604 BE AMENDED. #2

EXHIBIT (juh54a03)

Discussion: Reps. Hurdle, Noennig, Gutsche, Rice, Gallus, Newman.

Motion: REP. NOENNIG moved a substitute motion that HB 604 BE AMENDED. #3

Discussion: John MacMaster explained the substitute motion.

Rep. Noennig withdrew the motion. #3

Motion: REP. NOENNIG moved a substitute motion that HB 604 BE AMENDED. #4 In Sub 3 insert the word "non-violent" before the word "felony".

Discussion: Reps. Noennig, Gutsche, Newman, Mr. MacMaster, Hurdle.

Rep. Noennig withdrew the motion. #4

{Tape : 3; Side : B; Approx. Time Counter : 1.9 - 29.8}

{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 2.1}

Motion/Vote: REP. GUTSCHE moved a substitute motion that HB 604 BE AMENDED. #5 Motion carried 18-1 with Rep. Shockley voting no.

Motion/Vote: REP. YOUNKIN moved that HB 604 BE AMENDED to strip all prior amendments except appropriations. #6 Motion carried 18-1 with Rep. Shockley voting no.

Motion: REP. NOENNIG moved that HB 604 DO PASS AS AMENDED. #7

Discussion: Reps. Noennig, Hurdle, Newman, Rice, Clancy, Holden, Younkin, Shockley.

Vote: Motion #7 carried 12-8 with Reps. Shockley, Adams, Clancy, Curtiss, Holden, Noennig, Rice and Wolery voted no.

{Tape : 4; Side : A; Approx. Time Counter : 4.4 - 27.7}

ADJOURNMENT

Adjournment: 12:30 P.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh54aad)